

Serial No.: 10/027,798
Response dated 04 March 2005
Reply to Office Action mailed 04 January 2005

Docket No.: KCC-16,452

REMARKS

This Patent Application has been reconsidered carefully in light of the Office Action mailed on 04 January 2005. A careful reconsideration of the application by the Examiner in light of the foregoing amendments and the following remarks is respectfully requested.

This response is timely filed as it is filed within the three (3) month shortened statutory period for response to the outstanding Office Action. Further, as this response is hereby filed within two (2) months of the mailing date of the outstanding Office Action, it is understood that the shortened statutory period will expire on the date the advisory action is mailed should such advisory action not be mailed until after the end of the three-month shortened statutory period.

There is no additional claim fee due for this Amendment because the total number of claims does not exceed the number of independent and dependent claims for which fees have previously been paid.

Request for Telephone Interview

Applicants' undersigned attorney requests a telephone interview with the Examiner to discuss the merits of this Patent Application. The undersigned requests this interview if the arguments are not deemed sufficient to place this Patent Application in condition for allowance. If the Examiner feels the claims are not

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allowable for any reason, then please telephone the undersigned, Eric T. Krischke, at (847) 490-1400.

Amendments to the Claims

By the above Amendment, independent claim 1 has been amended to claim a disposable *training pant* comprising *an absorbent chassis defining a front waist region, a back waist region and a crotch region interconnecting the front waist region and the back waist region*. Dependent claims 2-20 have been amended accordingly.

Independent claim 21 has been amended to claim a disposable *training pant* comprising an absorbent chassis having *a front waist region and a back waist region joined to define a pant configuration having a waist opening and a pair of leg openings*. Dependent claims 22-41 have been amended accordingly. Dependent claims 42-45 have been canceled.

Independent claim 46 has been amended to claim a disposable *training pant* comprising *an absorbent chassis defining a front waist region, a back waist region and a crotch region interconnecting the front waist region and the back waist region*. Dependent claims 47-59 have been amended accordingly.

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Support for these amendments is found throughout Applicants' specification, for example at page 14, line 15 through page 15, line 4; page 16, lines 4-14; and Figs. 1-3.

Claims 1-41 and 46-59 remain in the application.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 1-59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,191,340 to Carlucci et al. (hereinafter "Carlucci"). This rejection is respectfully traversed, particularly in view of the above Amendment and the following remarks.

Applicants' claimed invention is directed to a disposable training pant for use as a motivation training aid for toilet training a child whereby the child experiences the consequence of the swelling of the absorbent core upon insult. Upon insult, the swellable absorbent core 44, at least in the area or zone of insult, absorbs the insult and swells to a final wet thickness (t_f) desirably at least about three times greater than the initial dry thickness, more desirably at least about five times greater than the initial dry thickness. The increased thickness makes the training pant 20 look and feel more like a diaper to the wearer and encourages the wearer to replace the garment with a dry training pant, as well as encourage training.

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Carlucci discloses a sanitary napkin including an absorbent core 28 having a substantially non-expanding absorbent element 44 and an expanding layer 46. The expanding layer 46 comprises a number of smaller expanding elements 50 that are decoupled, and distinct from one another. Each of the smaller expanding elements 50 is capable of expanding in only one direction upon activation by body fluids, e.g., upon absorption of body fluids, each smaller expanding element will not swell uniformly along the three dimensions of the space, but will rather increase substantially only in one of its three dimensions.

Carlucci does not teach or suggest a *disposable training pant* comprising *an absorbent chassis defining a front waist region, a back waist region and a crotch region interconnecting the front waist region and the back waist region*, as required by independent claims 1 and 46, or a *disposable training pant* comprising an absorbent chassis having *a front waist region and a back waist region joined to define a pant configuration having a waist opening and a pair of leg openings*, as required by independent claim 21. Further, Carlucci does not teach or suggest a training pant having an overall absorbent capacity of about 300 g or less for use as a motivation training aid for toilet training a child, whereby the child experiences the consequence of the swelling of the absorbent core upon insult. In fact, Carlucci teaches away from Applicants' present invention by disclosing an absorbent core that

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quickly acquires and transmits menses away from the wearer's skin to provide a dry-feeling contact with the body surfaces and prevent the fluids from escaping and soiling the wearer's garment.

Applicants respectfully submit that Carlucci does not render Applicants' claimed invention obvious in the manner required by 35 U.S.C. §103. Thus, Applicants respectfully request withdrawal of this rejection.

Conclusion

It is believed that the above Amendment places all pending claims in condition for allowance and notification to that effect is solicited. However, should the Examiner detect any remaining issue or have any question, the Examiner is kindly requested to contact the undersigned, preferably by telephone, in an effort to expedite examination of this Patent Application.

Respectfully submitted,



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